

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LANCE P. MCDERMOTT,

Plaintiff,

v.

UNITED STATES POSTAL
SERVICE,

Defendant.

CASE NO. C24-1943JLR

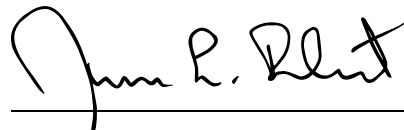
ORDER

Before the court is Plaintiff Lance P. McDermott's motion for reconsideration of the court's January 16, 2025 minute order directing the Clerk to amend the caption of this matter to reflect that the United States Postal Service, rather than the Merit Systems Protection Board ("MSPB"), is the proper Defendant in this matter. (MFR (Dkt. # 14); *see* 1/16/25 Min. Order (Dkt. # 13).) Mr. McDermott asserts that the cases now before the court are "non-mixed cases" that do not involve allegations of disability discrimination and that, as a result, the MSPB is still the proper Defendant and that this

1 court's jurisdiction is still in question over his appeals. (*See generally* MFR.) The
2 Federal Circuit Court of Appeals, however, has determined that this matter is a "mixed
3 case" under 5 U.S.C. § 7702 and that jurisdiction is proper in this court. (*See* Fed. Cir.
4 Transfer Order (Dkt. # 1) at 2 ("Because Mr. McDermott pursued his discrimination
5 claims before the [MSPB] and wishes to continue to pursue those claims on judicial
6 review, we agree . . . that transfer to the United States District Court for the Western
7 District of Washington . . . is appropriate.").)

8 "Motions for reconsideration are disfavored" and the "court will ordinarily deny
9 such motions in the absence of a showing of manifest error in the prior ruling or a
10 showing of new facts or legal authority which could not have been brought to its attention
11 earlier with reasonable diligence." Local Rules W.D. Wash. LCR 7(h). Because the
12 second prong of this test does not apply to the court's *sua sponte* amendment of the
13 caption, Mr. McDermott must show manifest error in the court's January 16 order. This
14 he has failed to do. Therefore, the court DENIES Mr. McDermott's motion for
15 reconsideration (Dkt. # 14).

16 Dated this 27th day of January, 2025.

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19 JAMES L. ROBART
20 United States District Judge
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